THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION No: 35285 of 1998

Between:

Visanala Srinivasa Rao S/o. Sambasiva Rao
R/o. Peda Gaddada Village,

Rampachodavaram Mandal,

East Godavari District.

..... PETITIONER

AND

The Principal, Jawarharlal Nehru Technological University College of Engineering, Kakinada,
East Godavari District.

.....RESPONDENT

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ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent in insisting the petitioner to produce the latest/fresh Community Certificate (Scheduled Tribe) though he produced the Community Certificate issued by the Mandal Revenue Officer, Rampachodavaram, dated 04-07-1992, as arbitrary and illegal, and consequently to direct the respondent to appoint the petitioner to the post of Junior Assistant in pursuance of the orders dated 30-10-1998 without insisting to produce the latest/fresh Community Certificate.

There is no necessity to go into all the details. At a time, when the petitioner was asked to produce the latest Community Certificate, this writ petition is filed. However, in view of the interim direction passed by this court, the petitioner was permitted to join the duty with effect from 30-12-1998. In the meanwhile, an enquiry was contemplated as per the A.P. (SC, ST and BCs) Regulation of issue of Community Certificates Act, 1993 (16 of Act 1993) and rules made thereunder in 1977. The committee constituted under the Act held that the petitioner does not belong to Scheduled Tribe community. Therefore, the District Collector cancelled the Community Certificate issued by the Mandal Revenue Officer, Rampachodavaram. Aggrieved by the same, the petitioner filed an appeal before the competent authority i.e., the Government of Andhra Pradesh. Initially, stay was granted. However, the appeal was dismissed. Aggrieved by the same, he filed W.P.No.16263 of 2002 before this Court. The said writ petition was allowed and the matter was remitted for fresh consideration. The Government, after fresh consideration, allowed the appeal and declared that the petitioner belongs to Scheduled Tribe community, through G.O.Ms.No.21, dated 23-02-2005. Therefore, nothing remains in this writ petition to be adjudicated. However, the learned counsel for the petitioner submits that due to some misunderstanding, the services of the petitioner were discontinued after disposal of the appeal by the Government in the year 2002, and as such, there was some gap in the service for about 20 days. So far as this aspect is concerned, the petitioner is directed to file a detailed representation and on filing such a detailed representation, the respondents shall take up the same on file and consider and dispose it of as per the Service Regulations applicable to the case of the petitioner and pass appropriate orders within a period of three months thereafter.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V.RAMULU, J

Date:17-08-2005

Prv